

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1169 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KAMLESHKUMAR RAMCHANDRA WAGHWANI

Versus

STATE OF GUJARAT

Appearance:

MR DM AHUJA for Petitioner

MR ND GOHIL, APP, for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 20/04/98

ORAL JUDGEMENT

Heard learned advocate Mr.D.M.Ahuja appearing for the petitioner. Rule. Learned APP Mr.Gohil waives service of Rule on behalf of the respondent-State.

The parties have not pressed for reasoned order.

Having regard to the facts and circumstances apparent from the material produced on record, in the context of

submissions urged at Bar, it is ordered that in the event of arrest of petitioner in respect to Inquiry Case No.10 of 1998 filed in the Court of Metropolitan Magistrate, Ahmedabad, Court No.17, the petitioner be enlarged on bail on his executing personal bond for the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) and one or more sureties for the like amount to the satisfaction of the lower Court and subject to the following conditions:

1. He shall remain present before the trial court regularly as and when directed on dates fixed;
2. He shall report at the Sardarnagar Police Station on the 1st and 15th day of each month during the currency of this order, between 11:00 AM and 2:00 PM.
3. He shall make himself available for interrogation by a police officer whenever and wherever required.
4. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer.
5. He shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the police.
6. He shall at the time of execution of bond furnish the address to the Investigating Officer and the Courts at Ahmedabad, and shall not change his residence till the final disposal of the case or till further orders.
7. He shall not leave the place of his residence for a period beyond five days without the permission of the Court. Further, he shall not leave India without the permission of the Court.
8. It would be open to the investigation officer to file an application for remand if he considers it proper and the learned Magistrate would decide it on merits.

All of which conditions shall be treated as conditions on which bail is granted. This order will hold good if the petitioner is arrested at any time within 90 days from

today. The order for release on bail will remain operative only for a period of ten days from the date of his arrest. Thereafter it will be open to the petitioner to make a fresh application for being enlarged on bail which when it comes before the Competent Court will be disposed of in accordance with law, having regard to all the attendant circumstances and the materials available at the relevant time uninfluenced by the fact that Anticipatory Bail is granted by this Court to the petitioner.

Rule is made absolute accordingly. No order as to costs. Direct service is permitted.

(A.K.Trivedi, J.)

(sunil)